

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

PERDUE PREMIUM MEAT COMPANY,
INC., d/b/a Niman Ranch,

Plaintiff,

v.

Civil Action No. 6:22-cv-03009-MDH

MISSOURI PRIME BEEF PACKERS, LLC

and

NEXTGEN CATTLE COMPANY, LLC,

Defendants.

DECLARATION OF JOHN TARPOFF, II

I, John Tarpoff, II, am over the age of 18 and competent to testify to the matters below:

1. I am the Vice President of Beef at Niman Ranch.
2. I was the primary person from Niman Ranch who communicated with Missouri

Prime Beef Packers ("Missouri Prime") concerning the delivery and processing of cattle in connection with the February 2, 2021 Processing Agreement (the "Agreement").

3. I signed the Agreement in May of 2021, as explained below.
4. While the parties intended to sign the Agreement in February 2021, Missouri

Prime was not in a position to begin processing cattle at that time.

5. Again, in March, Missouri Prime was not in position to begin processing cattle.

6. In April, when it appeared that Missouri Prime was prepared to process cattle, I sent them the committed headcounts constituting Appendix A to the Agreement. A copy of these headcounts is attached as **Exhibit 1**. Again, however, Missouri Prime was not in a position to begin processing cattle in April.

7. In May, Missouri Prime indicated that it was able to begin processing cattle and asked Niman Ranch to revise the MPBP Committed Headcounts schedule for May through September. We revised the schedule per Missouri Prime's request. The revised schedule is attached as **Exhibit 2**.

8. I executed the Agreement in May and forwarded it to Missouri Prime with the revised schedule for May through September.

9. After receiving the signed Agreement and Exhibits 1 and 2, Stacy Davies of Missouri Prime countersigned the Agreement and returned a copy to Niman Ranch.

10. Both Exhibit 1 and Exhibit 2 reflect a minimum of 40 grassfed cattle per week and included Niman Ranch's growth plan for later months in the year (growing from 40 to 80 grassfed cattle per week for certain weeks).

11. At the request of Missouri Prime, I later revised the MPBP Committed Headcounts for September through December. This revised schedule is attached as **Exhibit 3**, which I also sent to Missouri Prime.

12. Missouri Prime consistently met the headcounts reflected in Exhibits 1-3 (minimum of 40 per week) beginning with the last week in May.

13. On several occasions, the parties mutually agreed to switch 40 head weeks with 80 head weeks. An example of one such switch is attached as **Exhibit 4**, which is an email from Wes Davies of Missouri Prime to me dated June 30, 2021 requesting a change and states that Missouri Prime "should get back to normal after that."

14. Niman Ranch accommodated Missouri Prime's request to not process cattle from Niman the week of December 27, so long as they processed 80 head on January 3, 2022, as reflected in the confirming email from Wes Davies of Missouri Prime attached as **Exhibit 5**.

15. Our last harvest was December 22. Through that week, we continued to operate as normal. On December 29, Missouri Prime refused to accept any cattle from Niman Ranch intended for the January 3 harvest.

16. Since that time, Missouri Prime has refused to communicate with Niman Ranch.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 18th day of January 2022 in New Braunfels, Texas

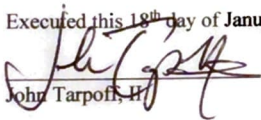

John Tarpoff, Jr.

EXHIBIT 1

MPBP Committed Headcounts

Month	week #	1	2	3	4	5	total
April		200	0	200	0	0	400
	<i>GAP</i>	200	0	200	0	0	
	<i>Grassfed</i>	0	0	0	0	0	
May		240	40	240	40	240	800
	<i>GAP</i>	200	0	200	0	200	
	<i>Grassfed</i>	40	40	40	40	40	
June		40	240	40	240	0	560
	<i>GAP</i>	0	200	0	200	0	
	<i>Grassfed</i>	40	40	40	40	0	
July		40	240	40	240	0	560
	<i>GAP</i>	0	200	0	200	0	
	<i>Grassfed</i>	40	40	40	40	0	
August		80	40	80	40	80	320
	<i>GAP</i>	0	0	0	0	0	
	<i>Grassfed</i>	80	40	80	40	80	
September		80	80	80	80	0	320
	<i>GAP</i>	0	0	0	0	0	
	<i>Grassfed</i>	80	80	80	80	0	
October		80	80	80	80	0	320
	<i>GAP</i>	0	0	0	0	0	
	<i>Grassfed</i>	80	80	80	80	0	
November		80	80	80	80	80	400
	<i>GAP</i>	0	0	0	0	0	
	<i>Grassfed</i>	80	80	80	80	80	
December		120	120	120	40	0	400
	<i>GAP</i>	0	0	0	0	0	
	<i>Grassfed</i>	120	120	120	40	0	
January		120	40	120	40	80	400
	<i>GAP</i>	0	0	0	0	0	
	<i>Grassfed</i>	120	40	120	40	80	
February		80	80	120	120	0	400
	<i>GAP</i>	0	0	0	0	0	
	<i>Grassfed</i>	80	80	120	120	0	
March		120	120	120	120	0	480
	<i>GAP</i>	0	0	0	0	0	
	<i>Grassfed</i>	120	120	120	120	0	

EXHIBIT 2

MPBP Committed Headcounts

Month	week # (mondays)	1	2	3	4	5	total	
May		0	0	0	40	0	40	
	<i>GAP or Niman</i>							
	<i>Grassfed</i>				40	0		
June		160	160	160	160	0	640	
	<i>GAP or Niman</i>	120	120	120	120			*
	<i>Grassfed</i>	40	40	40	40			
July		40	80	40	40	0	200	
	<i>GAP or Niman</i>							**
	<i>Grassfed</i>	40	80	40	40			
August		40	80	40	80	80	320	
	<i>GAP or Niman</i>							**
	<i>Grassfed</i>	40	80	40	80	80		
September		40	80	80	80	0	280	
	<i>GAP or Niman</i>							**
	<i>Grassfed</i>	40	80	80	80			

EXHIBIT 3

MPBP Committed Headcounts

Month	week # (Monday kill)	1	2	3	4	5	total	
September		40	40	40	80	0	200	
	<i>GAP or Niman</i>							
	<i>Grassfed</i>	40	40	40	80			
October		40	80	40	80	0	240	
	<i>GAP or Niman</i>							*
	<i>Grassfed</i>	40	80	40	80			
November		40	80	40	80	40	280	
	<i>GAP or Niman</i>							**
	<i>Grassfed</i>	40	80	40	80	40		
December		80	80	80	0	0	240	
	<i>GAP or Niman</i>							**
	<i>Grassfed</i>	80	80	80	0			

EXHIBIT 4

From: Wes Davies
To: [Tripician, Sean](#); [Mike Sinclair](#); [Mike Schmeling](#); [Tarpoff II, John](#)
Subject: [EXTERNAL] Fab next week
Date: Wednesday, June 30, 2021 6:14:34 PM

Sean, Tarp,

With the short week next week, can we bump your fab to Thursday again next week? If that will cause major issues I can look harder at this, if you can accommodate it will help us out.

We should get back to normal after that.

80 hd on July 12

40 July 19

80 July 26

--

Wes Davies

Nextgen Beef Company

Missouri Prime Beef Packers

wes@meatshelf.com

Office Direct: 417-413-5188

Cell: 541-589-4001

EXHIBIT 5

From: Wes Davies
To: [Tarpoff II, John](#); [Tripician, Sean](#); [Kirkovich, Danny](#); [Nick Paschkov](#); [Robert Doebling](#); [J Holmes](#)
Subject: [EXTERNAL] December Schedule
Date: Monday, November 22, 2021 5:28:27 PM

All, Just confirming December numbers.

Kill Date - Fab Date - Hd Count

11/29 - 12/1 - 80

12/6 - 12/8 - 40

12/13 - 12/15 - 80

12/20 - 12/22 - 40

12/27 none

1/3 - 1/5 - 80

--

Wes Davies

Next Gen Beef Company

Missouri Prime Beef Packers

wes@meatshelf.com

Office Direct: 417-413-5188

Cell: 541-589-4001